

## SILICON VALLEY IP GROUP, PC

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## FAX COVER SHEET

Date: July 10, 2003	Phone Number	Fax Number
To: Office of Petitions		(703) 308-6916
From: Kevin J. Zilka		

Docket No.: NAI1P275/01.014.01

App. No: 09/921,543

Total Number of Pages Being Transmitted, Including Cover Sheet: 07

## Message:

Please do not hesitate to contact us if you require further information.

Thank you,  
Kevin J. Zilka☐ Original to follow Via Regular Mail ☒ Original will Not be Sent ☐ Original will follow Via Overnight Courier

\*\*\*\*\*  
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July 10, 2003

Practitioner's Docket No. NAI1P275/01.014.01

PATENT

## IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of: Charles L. Vigue et al.

Application No.: 09/921,543

Group No.: 2152

Filed: August 2, 2001

Examiner: Unassigned

For: SYSTEM AND METHOD FOR SECURE VERIFIED SHARING OF RESOURCES IN A PEER-TO-PEER NETWORK ENVIRONMENT

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Mail Stop Petitions

Commissioner for Patents

P.O. Box 1450

Alexandria, VA 22313-1450

REQUEST FOR RECONSIDERATION OF A PETITION TO REVIVE APPLICATION  
ABANDONED FOR FAILURE TO NOTIFY OFFICE OF FOREIGN FILING  
(37 C.F.R. 1.137(f))

1. This application was filed initially with a request for nonpublication because there was no intention at that time to file an application for the subject matter of this invention in a foreign country or under a multinational treaty which requires publication of the application eighteen months after the filing.
2. On April 2, 2002; an application for the subject matter of this invention was filed in Korea. On April 5, 2002; an application for the subject matter of this invention was filed in Europe. On April 8, 2002; an application for the subject matter of this invention was filed in Japan.
3. No notification of this foreign filing within the 45 day period required by 35 U.S.C. 122(b)(2)(B)(iii) and 37 C.F.R. 1.213(c) was made.

## CERTIFICATION UNDER 37 C.F.R. §§ 1.8(a) and 1.10\*

*(When using Express Mail, the Express Mail label number is mandatory;  
Express Mail certification is optional.)*

I hereby certify that, on the date shown below, this correspondence is being:

## MAILING

— deposited with the United States Postal Service in an envelope addressed to the Commissioner for Patents, Washington D.C. 20231  
37 C.F.R. § 1.8(a) 37 C.F.R. § 1.10\*

— with sufficient postage as first class mail.

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## TRANSMISSION

✓ facsimile transmitted to the Patent and Trademark Office, (703) 308-6916

Signature

Erica L. Farlow

(type or print name of person certifying)

Date: July 10, 2003

\* Only the date of filing (' 1.6) will be the date used in a patent term adjustment calculation, although the date on any certificate of mailing or transmission under ' 1.8 continues to be taken into account in determining timeliness. See ' 1.703(f). Consider "Express Mail Post Office to Addressee" (' 1.10) or facsimile transmission (' 1.6(d)) for the reply to be accorded the earliest possible filing date for patent term adjustment calculations.

4. Applicant hereby petitions, in accordance with 37 C.F.R. 1.137(f) for the revival of this application.
5. Applicant declares that the entire delay from the due date for notifying the Office of the foreign filings until the filing of this petition was unintentional.
6. Outstanding matters for this application:

there are no other outstanding matters (Notice was filed 05/12/03)

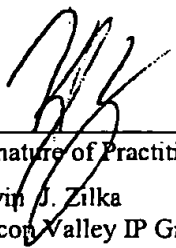
7. Payment of petition fee:

The petition fee of \$1,300.00 under 37 C.F.R. 1.17(m) (other than a small entity) was paid at the time of the previous petition.

However, the Commissioner is authorized to charge any additional fees required by this paper or credit any overpayment to our deposit account 50-1351 (Order NAI1P275)

A duplicate of this paper is attached.

Reg. No.: 41,429  
Tel. No.: 408-971-2573  
Customer No.: 28875

  
\_\_\_\_\_  
Signature of Practitioner

Kevin J. Zilka  
Silicon Valley IP Group, LLC  
P.O. Box 721120  
San Jose, CA 95172-1120  
USA

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In re Application of  
Charles L. Vigue et al  
Application No. 09/921,543  
Filed: August 2, 2001  
Attorney Docket No. NETAP008

:  
:  
: DECISION GRANTING PETITION  
: UNDER 37 CFR 1.137(f)  
:

This is a decision on the petition under 37 CFR 1.137(b), filed by facsimile transmission on May 12, 2003, which is being treated as a petition under 37 CFR 1.137(f) to revive the instant nonprovisional application.

The petition is DISMISSED.

Any request for reconsideration of this decision must be filed within TWO MONTHS from the mail date of this decision. Extensions of time are available pursuant to the provisions of 37 CFR 1.136(a).

Petitioner states that the instant nonprovisional application is the subject of an application filed in a foreign country "on or slightly before the one-year-anniversary of the U.S. filing date" of this application.

A petition under 37 CFR 1.137(f) must be accompanied by:

- (1) the reply which is met by the notification of such filing in a foreign country or under a multinational treaty;
- (2) the petition fee as set forth in 37 CFR 1.17(m);  
and
- (3) a statement that the entire delay in filing the required reply from the due date of the reply until the filing of a grantable petition was unintentional.

Application No. 09/921,543

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The petition fails to comply with item (1) above. More specifically, while notification has been given of the foreign filing, the petition fails to state the date of such foreign filing. Accordingly, the date of foreign filing must be supplied in order to grant the revival of the instant application.

Further correspondence with respect to this matter should be addressed as follows:

By mail: Mail Stop PETITION  
Commissioner for Patents  
Post Office Box 1450  
Alexandria, VA 22313-1450

By hand: Crystal Plaza Four, Suite 3C23  
2201 South Clark Place  
Arlington, VA 22202

By Fax: (703) 308-6916  
ATTN: Office of Petitions

Pursuant to petitioner's authorization, Deposit Account No.50-1217 was charged \$1300.00 for the petition to revive an unintentionally abandoned application under 37 CFR 1.137(f).

Any questions concerning this matter may be directed to Wan Laymon at (703) 306-5685.

  
Frances Hicks

Lead Petitions Examiner  
Office of Petitions  
Office of the Deputy Commissioner  
for Patent Examination Policy

**UNITED STATES PATENT & TRADEMARK OFFICE**  
Washington, D.C. 20231

REQUEST FOR PATENT FEE REFUND											
1 Date of Request: <u>7-16-03</u>		2 Serial/Patent # <u>09/921,543</u>									
3 Please refund the following fee(s):		4 PAPER NUMBER	5 DATE FILED	6 AMOUNT							
	Filing			\$							
	Amendment			\$							
	Extension of Time			\$							
	Notice of Appeal/Appeal			\$							
<input checked="" type="checkbox"/>	Petition	8	5/12/03	\$1300 <sup>00</sup>							
	Issue			\$							
	Cert of Correction/Terminal Disc.			\$							
	Maintenance			\$							
	Assignment			\$							
	Other			\$							
7 TOTAL AMOUNT OF REFUND			\$1300 <sup>00</sup>								
8 TO BE REFUNDED BY:											
10 REASON:		Treasury Check									
	Overpayment	Credit Deposit A/C #:									
	Duplicate Payment	9 <table border="1" style="display: inline-table; text-align: center; width: 150px;"><tr><td>5</td><td>0</td><td>--</td><td>1</td><td>3</td><td>5</td><td>1</td></tr></table>			5	0	--	1	3	5	1
5	0	--	1	3	5	1					
<input checked="" type="checkbox"/>	No Fee Due (Explanation):										
unnecessary											
11 REFUND REQUESTED BY:											
TYPED/PRINTED NAME: <u>Wan Laymon</u>		TITLE: <u>Pet. Exam</u>									
SIGNATURE: <u>Wan Laymon</u>		PHONE: _____									
OFFICE: _____											
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APPROVED: <u>Oliver Kelly</u>		DATE: <u>9-18/03</u>									

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